IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 4572 of 2002

Between:

Smt.Yerneni Sri Raja Rajeswari W/o K.Bhaskar
Gangur (V), Penamaluru Mandal, Krishna Dist.

..... PETITIONER

AND

1 Govt. of Andhra Pradesh rep. by Principal Secretary,

Forests, Environment & Energy Dept,
Secretariat, Hyderabad.
2 A.P.Pollution Control Board, Matrivanam, Huda Complex,
Hyderabad, rep. by its Member Secretary.
3 The District Collector,
Krishna District , Machilipatnam.
4 The Senior Environment Engineer (TF), A.P. Pollution Control

Board, Task Force, Plot No. 41, Opp. SBH, Gurunanak Road,
Vijayawada - 520 008.
5 M/s. Satyakala Power Ltd., Ganguru (Village)
Penamaluru Mandal Krishna Dist, rep. by its Managing Director.
6 M/s. Satyakala Agro Oil Products Ltd., Ganguru (Village)
Penamaluru Mandal Krishna Dist, rep.by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue an order, direction, or a writ more particularly one in the nature of Writ of Mandamus by calling for the records pertaining to grant of consent and permission for starting commercial production to the 5th respondent industry and declare the same as illegal, arbitrary and violative of Art. 21 of the Constitution of India, as 5th and 6th respondents causing pollution of noise, air and water etc., contrary to Sections 6 and 7 of the Environment (Protection) Act, 1986 and Rules 4 & 5 of the Noise Pollution (Regulation and & Control) Rules, 2000 and consequently direct respondents 1 to 4 to close or shift respondent No. 5 industry from the residential area/Silence zone and prevent 6th respondent from releasing waste waters to the open area.

Counsel for the Petitioner: Mr.M.V.DURGA PRASAD

Counsel for Respondent Nos.1 & 3: G.P. FOR FORESTS

Counsel for Respondent Nos.2 & 4: Mr.S.V.BHATT

Counsel for Respondent Nos.5 & 6: Mr. SATYANARAYANA NIMMAGADDA

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

On 11-3-2002, petitioner filed this writ petition seeking a writ of mandamus by calling for the records pertaining to grant of consent and permission for starting commercial production to fifth respondent industry by respondent Board and further complaining that fifth and sixth respondents are causing pollution of noise, air and water contrary to the provisions of Environment (Protection) Act, 1986 and the Noise Pollution (Regulation and Control) Rules, 2000 and for consequential direction to respondents 1 to 4 to close or shift fifth respondent industry from residential area.

There was interim direction issued to respondents 2 to 4 to initiate immediate steps against respondent 5 and 6 industries to ensure that noise and dust pollution of the industries remain within tolerable limits.

When the writ petition came up for hearing, we directed the respondents to submit a fresh report. Senior Environmental Engineer, A.P. Pollution Control Board, in his letter dated 25-8-2004 submitted a latest status report to the Pollution Control Board.

As regards fifth respondent industry, it is stated that industry had valid

consent up to 31-8-2003 and it had again applied for renewal of consent which is pending consideration by respondent Board.

As regards respondent No.6, the status report states that industry has obtained consent of Pollution Control Board up to 30-6-2004 and it had applied for renewal of consent, which is under consideration. As regards another industry namely, Sri Kanakadurga Agro Oils (P) Ltd., Ganguru, it is stated that industry has obtained consent up to 31-1-2006.

In addition to submitting status report, it is also stated that Mr. Shyam Prasad, Human Rights Council, Visakhapatnam complained to National Human Rights Commission against pollution caused by the industries operating in Ganguru and Penamaluru villages of Krishna District. In response to said complaint, industry was inspected regularly and legal hearing was conducted on 14-11-2002. The industry is not discharging any effluent outside the premises. The report also states that the industries had applied for renewal of consent which is pending consideration.

After hearing the counsel for the parties, we are of the view that no useful purpose will be served in keeping the writ petition pending and we have decided to dispose of the same with certain directions.

Respondent Board is directed to expedite consideration on the prayer of the industries for renewal of consent and that it will be open for the industries to submit application as regards further consent and while the Board would examine the question of consent will also deal with the petitioner's representation and will pass appropriate orders as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order.

Any party feeling aggrieved by the orders that may be passed would be at liberty to challenge the said order by preferring appeal before respondent Board. Respondent Board shall also ensure that none of the industries violate the various environmental laws, rules and orders, and if any industry violates the same, it will be but proper for respondent Board to pass appropriate orders as are necessary and ensure strict compliance thereof.

The writ petition stands disposed of accordingly.

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(DEVINDER GUPTA, C.J.)

7th October 2004.

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(C.V.RAMULU, J.)

ARS

To

1 The Principal Secretary, Govt. of Andhra Pradesh, Environment &

Energy Dept, Secretariat, Hyderabad.
2. The Member Secretary A.P.Pollution Control Board, Matrivanam, Huda Complex, Hyderabad.
3 The District Collector,
Krishna District , Machilipatnam.
4 The Senior Environment Engineer (TF), A.P. Pollution Control

Board, Task Force, Plot No. 41, Opp. SBH, Gurunanak Road,
Vijayawada - 520 008.
5 Two CCs to Govt. Pleader for Forests, High Court Bldgs.,

Hyderabad (OUT).

6 Two C.D. copies.

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